

DUNCAN MILLER

IBLA 76-794

Decided March 14, 1977

Appeal from the expiration of oil and gas lease SAC 061251 at the end of its term as extended.

Appeal dismissed.

1. Appeals--Rules of Practice: Appeals: Dismissal--Rules of Practice:
Appeals: Statement of Reasons

A statement of reasons in support of an appeal which does not point out affirmatively in what respect the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Duncan Miller has appealed from a decision of the California State Office, Bureau of Land Management, dismissing his protest with respect to oil and gas lease SAC 061251.

Noncompetitive oil and gas lease SAC 061251 was issued for a term of 10 years effective January 1, 1962. On January 27, 1969, appellant assigned the lease to Union Oil Company of California. Union Oil obtained a 24-month extension of the lease (January 1, 1972, to December 31, 1973) because drilling operations had commenced prior to December 31, 1971, and were being diligently prosecuted on that date. No further extension was possible after December 31, 1973, by any means other than production and absent production on that date the lease terminated by operation of law.

On August 16, 1976, lease SAC 061251 was listed by the California State Office, Bureau of Land Management as available for oil and gas

leasing pursuant to 43 CFR 3112. In a letter to the BLM dated August 16, 1976, appellant alleged that SAC 061251 was involved in "important administrative proceedings" and should not have been listed for new leasing. In a subsequent document entitled "Protest" appellant asserted that "further leasing of the lands involved are hereby protested as being in violation of the United States Constitution."

On September 14, 1976, the California State Office issued a decision explaining that a review of the file revealed no unresolved administrative proceedings and dismissing appellant's protest as unfounded.

In his appeal to this Board, appellant has submitted the following statement of reasons:

The captioned lease was involved in a situation where the protestant alleged that the lease was extended by reason of drilling.

Furthermore, the protestant still makes his claim.

In view of the foregoing circumstances it is clear that the BLM land office has acted precipitously until the matter was properly and lawfully resolved.

As far as protestant knows, he has never received any response to his allegations.

[1] We have reviewed the case file and conclude that appellant's allegations are lacking in specificity. They fail to demonstrate any error in the decision below and also do not point out how appellant has improperly been deprived of some right. Since the statement of reasons fails to point out how the decision appealed from is in error, it does not meet the requirements of the Department's rules of practice and the appeal therefore may be and is dismissed. Duncan Miller, 28 IBLA 62 (1976), and Duncan Miller, 26 IBLA 37 (1976). Moreover, even if the appeal were to be considered on its merits, a review of the file indicates no impropriety in posting the land for leasing, or that Miller has been adversely affected thereby. 43 CFR 4.410.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Anne Poindexter Lewis

Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Frederick Fishman
Administrative Judge

